

REMARKS

In the Office Action, the Examiner rejected claims 1-33. By the present Response, Applicants amend claims 1, 16, 21, and 29-32 to further clarify the claimed subject matter. Upon entry of the amendments, claims 1-33 will remain pending in the present patent application. Applicants respectfully request reconsideration of the above-referenced application in view of the foregoing amendments and the following remarks.

Rejections Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 29-32 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. While Applicants do not necessarily agree with the Examiner's rejection, Applicants have amended claims 29-32 to further clarify the claimed subject matter. In light of these amendments, Applicants respectfully request withdrawal of the rejection of claims 29-32 under 35 U.S.C. § 112.

Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 11-26 under 35 U.S.C. § 102(b) as anticipated by Braden et al. (U.S. Patent No. 4,146,795). Applicants respectfully traverse this rejection.

Legal Precedent

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Moreover, the prior art reference also must show the identical invention "in as complete detail as contained in the ... claim" to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicants need only point to a

single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Teachings of the Braden et al. Reference

The Braden et al. reference is directed to a cable control mechanism for elongated flexible cables. Col. 1, lines 8-10. Particularly, the Braden et al. reference discloses an X-ray scanner A, which includes a rotate frame 64 and traverse frame 78, and a cable control mechanism C. Col. 4, lines 30-36; col. 5, lines 10-32; *see* FIGS. 1 and 2. The control mechanism C of the Braden et al. apparatus includes a plurality of tensioning mechanisms that provide a *downward* biasing force to cable rows H1, H2, and H3, which provide power to the X-ray system, to prevent these cables from becoming misaligned between various moving components of the system, such as rotate frame 64 and traverse frame 78. *See, e.g.*, col. 7, lines 36-48; col. 8, lines 60-68; FIG. 2. One such tensioning mechanism is biasing means 124 that includes a spring reel arrangement 180, an idler sprocket 184, and a roller chain 186, which collectively provide a *downward* biasing pressure against a wheel assembly 122 in contact with cable rows H1, H2, and H3. Col. 8, lines 50-53; *see also* col. 7, lines 36-43; FIG. 4. The Braden et al. apparatus also includes a cable 222 and spring wheel 224, which similarly provide a *downward* tensile force to the cable rows H1, H2, and H3. Col. 8, lines 60-68; FIG. 2.

Omitted Features of Independent Claim 11

Turning now to the present claims, the Braden et al. reference fails to disclose each element of independent claim 11. For instance, independent claim 11 recites “means for securing a harness to at least one electrical cable secured to a movable electrical device” (emphasis added). Because the Braden et al. reference fails to disclose such an element, the cited reference fails to anticipate independent claim 11.

Applicants respectfully note that claim 11, which was rejected under 35 U.S.C. § 102(b) in view of the Braden et al. reference, includes means-plus-function language, as

set forth in 35 U.S.C. § 112, paragraph 6, *and should be examined in accordance with this body of law*. As may be appreciated, with respect to 35 U.S.C. § 112, paragraph 6, an Examiner “may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination.” *In re Donaldson Co.*, 29 U.S.P.Q.2d 1845 (Fed. Cir. 1994); *see also* Manual of Patent Examining Procedure § 2181. Applicants note that proper interpretation of this claim must be performed with reference to the structure provided in the specification. Particularly, with regard to the “means for securing a harness to at least one electrical cable secured to a movable electrical device” recitation of claim 11, Applicants’ specification discloses a flexible spine having a plurality of straps attached thereto for performing the recited function. *See, e.g.*, Application, paragraph [0024]; FIG. 4. Applicants respectfully point out, as already acknowledged by the Examiner, the Braden et al. reference fails to disclose such structure. *See* Office Action mailed June 21, 2005, pg. 4. Moreover, the Office Action failed to establish a *prima facie* case of unpatentability *in accordance with* the relevant statutory and precedential authority outlined above. Consequently, Applicants respectfully submit that independent claim 11 is patentable over the Braden et al. reference.

Omitted Features of Independent Claims 16 and 21

Further, the Braden et al. reference also fails to disclose each element of independent claims 16 and 21. For instance, independent claim 16 recites “coupling a first flexible member to the harness such that *the first flexible member supports the harness*” (emphasis added). Independent claim 16 also recites “coupling a second flexible member to the harness such that *the second flexible member supports the harness*” (emphasis added). Further, independent claim 21 recites “a first support member coupled to the device and secured to the harness, *wherein the at least one cable is suspended from the first support member such that the first support member supports a first portion of the at least one cable as the device is moved*” (emphasis added). Because the Braden et al.

reference fails to disclose each and every element of the instant claims, the cited reference fails to anticipate independent claims 16 and 21.

In the Office Action, the Examiner equated the cable 222 and the roller chain 186 of the Braden et al. system to the first and second flexible members recited in claim 16, and the first support member recited in claim 21. However, as noted in previous communications, the Braden et al. reference clearly indicates that *both* the cable 222 and the roller chain 186 apply *downward* biasing forces to the cable rows H1, H2, and H3. See col. 8, lines 60-68; FIG. 2; see also col. 9, lines 44-47 (discussing biasing means 124 comprising roller chain 186). Because the cable 222 and the roller chain 186 are exerting a *downward* biasing force, it cannot be reasonably asserted that these two components are *supporting* the cable rows H1, H2, and H3, or that the cable rows are suspended *from* either of these components. Consequently, the cable 222 and the roller chain 186 cannot be logically equated with the first and second flexible members recited by independent claim 16, or the first support member of independent claim 21. Accordingly independent claims 16 and 21, and their dependent claims, are believed patentable over the Braden et al. reference.

Applicants note that, in the Office Action, the Examiner argued that independent claims 16 and 21 only recited the capability of supporting the cables. While Applicants do not necessarily agree with this characterization, Applicants amended independent claims 16 and 21 to clarify the recited subject matter. As amended, claims 16 and 21 positively recite that the first and second flexible members support the harness (claim 16) and that the first support member supports a cable (claim 21). Applicants respectfully submit that the Examiner's previous rejection based on mere capability is no longer applicable in view of the present amendments. However, should the Examiner believe that further clarification would be desirable, Applicants kindly invite the Examiner to contact the undersigned representative to discuss the present claims.

For these reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102 and allowance of claims 11-26.

Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-10 and 27-33 under 35 U.S.C. § 103(a) as unpatentable over Braden et al. in view of Schmidt (U.S. Patent No. 5,467,679). Applicants respectfully traverse this rejection.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Omitted Features of Independent Claim 1

Applicants respectfully note that the Braden et al. and Schmidt references fail to disclose each element of independent claim 1. For instance, independent claim 1 recites a "flexible cable harness including a flexible spine and a plurality of straps secured to the flexible spine, *wherein the harness is not adapted to conduct electricity to an electronic device*" (emphasis added). Because the cited references fail to disclose such an element, the cited references cannot support a *prima facie* case of obviousness with respect to independent claim 1.

In the Office Action, the Examiner acknowledged that the Braden et al. reference failed to disclose "a harness with a flexible spine and straps secured to the spine" and "a cable harness that is not adapted to conduct electricity to an electronic device." Office Action mailed June 21, 2005, pg. 4. In an attempt to obviate the deficiencies of the Braden et al. reference, the Examiner noted that the Schmidt reference teaches a strap 42 that wraps around one end of a guitar proximate the strings and that strap 42 could be a nylon tie-wrap or cable tie. *Id.*; see Schmidt, col. 2, lines 13-15. The Examiner further suggested that it would be obvious to combine the Braden et al. "harness" with the Schmidt cable ties, and that "the resultant structure would comprise straps secured to a flexible 'spine'." Office Action mailed June 21, 2005, pg. 4.

Though Applicants do not necessarily agree with either the Examiner's characterization of the teachings of the cited references or the propriety of the suggested combination, Applicants note that, even assuming for the sake of argument that the Braden et al. cables constitute a harness and that such a harness could hypothetically be combined with the ties taught by Schmidt, the resultant structure would still fail to meet the recitations of independent claim 1. Particularly, the cables, or alleged harness, disclosed by Braden et al. do not correlate with nor would they have suggested the claimed spine because the Braden et al. cables are adapted to conduct electricity to an electronic device, and any hypothetical harness based on these cables would necessarily be adapted to conduct electricity to an electronic device. Conversely, the Schmidt cable tie can not be reasonably compared to the claimed spine as the Schmidt cable tie does not have straps secured to the cable tie. Consequently, even in hypothetical combination, the Braden et al. and Schmidt references fail to disclose each and every element of independent claim 1. As a result, the cited references fail to support a *prima facie* case of obviousness with respect to independent claim 1 and its dependent claims. Accordingly, Applicants respectfully request withdrawal of the instant rejection and allowance of claims 1-10 and 29-33.

Omitted Features of Dependent Claims 27 and 28

Applicants note that claims 27 and 28 depend from independent claim 21. As discussed above, the Braden et al. reference fails to disclose each element of independent claim 21. Further, the Schmidt reference does nothing to obviate the deficiencies of the Braden et al. reference. As a result, dependent claims 27 and 28 are allowable on the basis of their dependency from a respective allowable independent claim, as well as for the subject matter separately recited in these dependent claims. Accordingly, Applicants respectfully request withdrawal of the Examiner's rejection and allowance of claims 27 and 28.

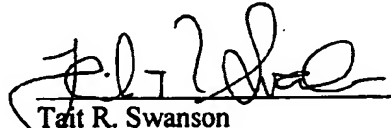
For these reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103 and allowance of claims 1-10 and 27-33.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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